

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CURTIS LEE SHEPPARD, JR.,  
#1656666,

Plaintiff,

v.

KIRK ETIEFER, *et al.*,

Defendants.

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Case No. 6:20-CV-343-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (Docket No. 5) recommends that the action be dismissed with prejudice for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g)—but without prejudice as to the refiling of his lawsuit without seeking *in forma pauperis* status. Plaintiff timely filed objections. Docket No.7.


The Court reviews objected-to portions of the Magistrate Judge’s Report and Recommendation de novo. *See* FED. R. CIV. P. 72 and 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). The Court conducting a de novo review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Plaintiff’s objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct.

Accordingly, it is **ORDERED** that Plaintiff's objections are **OVERRULED** and that the Magistrate Judge's Report (Docket No. 5) is **ADOPTED** as the opinion of this Court. It is further

**ORDERED** that the complaint is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g)—but **DISMISSED WITHOUT PREJUDICE** as to the refiling of his lawsuit without seeking *in forma pauperis* status. It is further **ORDERED** that all motions not previously ruled on are **DENIED AS MOOT**.

So ordered and signed on this  
Aug 4, 2020

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE